IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WP(C).No. 36327 of 2007(Y)

OS.73/2002 of PRINCIPAL SUB COURT, PALAKKAD
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PETITIONERS:
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1. **THE STATE OF KERALA, REPRESENTED BY DISTRICT COLLECTOR, PALAKKAD.**

2. **THE CHIEF CONSERVATOR OF FORESTS, (PROTECTION), FOREST HEAD QUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM.**

3. **THE CONSERVATOR OF FORESTS & CUSTODIAN OF VESTED FOREST, OLAVAKKODE CIRCLE, OLAVAKKODE, PALAKKAD.**

4. **THE DIVISIONAL FOREST OFFICER, NEMMARA FOREST DIVISION, NEMMARA.**

BY SRI.RENJITH THAMPAN,SPL.GP FOR FORESTS

RESPONDENT:

M/S.POABS ESTATE PVT. LTD., THIRUVALLA, (PREVIOUSLY NAMED AS M/S.KARUNA PLANTATIONS PVT.LTD), REPRESENTED BY THOMAS JACOB, PANCHAYIL HOUSE, WEST OTHARA P.O., THIRUVALLA.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 36327 OF 2007

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Dated this the 17th day of December, 2007.

J U D G M E N T

This writ petition is preferred with a prayer to set aside Ext.P4 order and to consider and pass orders on Ext.P2 application in O.S.73/02. So far as the first prayer is concerned the Government Pleader submits that the matter has been adjourned and posted to 3.1.2008. Now, the only question to be considered is regarding the 2nd prayer. The learned counsel submits before me that 829 acres of land are surveyed and it is submitted that within a span of about 10 hours measurement has been done on the entire property and therefore the Government have moved an application before the Subordinate Judge to set aside the plan and report alleging that it is incorrect and if the suit is disposed of without considering Ext.P4 application it may affect the interest of the State and therefore requests this Court to direct the Subordinate Judge to dispose of Ext.P2 application before proceeding with the trial of the suit. There is

considerable force in the said contention. Therefore I direct the Prl. Subordinate Judge, Palakkad to consider Ext.P4 application, i.e. I.A.No.3816/07 and dispose of the same after hearing both sides and then only to proceed with further trial of the case.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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